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If our triends who force us with manuscripts to publication wish to have rejected articles returned they must in all cases send stamps for that purpose.

The Cost of Steel Rails.

The wide circulation given to a statement said to have been made a few years ago by Mr CHARLES M. SCHWAR has served to fix in the public mind a notion if not a conviction that steel rails, the market price of which is \$28 a ton, can be manufactured and profitably sold in this country at something like \$12 a ton. The American people individually do not buy steel rails for domestic use and consumption, byt all are directly concerned if the railroads are paying annually for steel rails \$50,000,000 more than a fair and reasonable price.

Those who have that twelve dollar no tion firmly fixed in mind will probably be reluctant to accept a statement of facts, of figures taken from book accounts and manufacturers' cost sheets. The figures now to be quoted are taken officially from those sources. They show the cost for the term quoted of 93 per cent, of all the steel rails produced in the United States. Within the five year term 1902 to 1906 inclusive the total production of American steel rails was approximately 14,665,000 tons. The total mill cost of producing 93 per cent. of that output was \$305,340,298, or 13,637,452 tons at \$22.40 a ton. There is of course a difference in cost of production in different mills, and the detailed information is very properly concealed and guarded. The lowest average of cost for the five year term shown by any of the manufacturers is \$20.74, and the highest average is \$26.61 The report of the Bureau of Labor

shows the price of bessemer big iron, from which the rails are made, as averaging \$17.86 a ton for those five years The price quoted above is based on an average cost of \$16.47 a ton for the pigiron used, including the item of wastage which occurs in the process of manufacturing. The difference between the pig iron cost and the finished rail cost is represented by labor, manganese, fuelmaterials, supplies, general expense, depreciation and other incidental and necessary charges. The cost of producing limestone, labor and general expense for materials, supplies, tools, depreciation, &c. A difference of a few cents a ton in the cost of pigs, billets and rails is shown in different methods of computation, but the variation is so small that it serves merely to confirm and establish the accuracy of the final figures.

These figures and others giving more elaborate detail were in the hands of the Ways and Means Committee of the House and of the Finance Committee of the Senate when the steel schedules were under consideration. To the unenlightened who clamor for the transfer of steel rails to the free list they may come as a reason for the retention of a part of the duty. Under the Dingley law the duty on rails was \$7.84 a ton. Under the Payne bill it is \$3.92 a ton During those five years the average cost of production was \$22.40 and the average selling price was \$27.34. From this it would appear that the grasping rail makers failed to take full advantage of their protection. Cost plus protection

per cent, ad valorem and about as many destined to end so disastrously, would come in one case as in the other One reason is that the best obtainable to meet more than an inconsiderable came between Waterloo and Mars-lafraction of the American demand. The Tour. present rate of \$3.92 serves as a fairly ican people.

promises to absorb all his solicitudes in the Rhine, to which the victors of the the immediate future, his struggle for war of 1859 looked forward with confireelection to the United States Senate, dence. perhaps we may venture to say a word | One source of pride and satisfaction for Southern cotton factories.

cently shown, on the evidence of unquestionable statistics, that the women and children taken from the small have almost invariably lost their un- Nice to France. wholesome pallor within a year and bloomed into health and vigor. Instead they were born, homes of two or three miserable rooms, with barnyard wells s so have been housed in sanitary quarters, fact has been ascertained and securely

the real facts. He has no time now to open his respectable frock coat and caterwaul about the "slaves" of the factories. He London at the American and Colonial Exchange, Cariton street, Regent street, and Daw's Steamship and is aided only by a divided and disordered party. In this we are with him tooth and nail, shoulder to shoulder, and all the rest of it, for we want him kept in the Senate, where he is a thing of beauty and a joy forever. In France, and Alsace remains unreconciled, are worth inspection now in 1910: this hour of his preoccupation, however, we insert these modest words. While he isn't looking and hasn't time to look our protestations may take root

A Library in Its Sentitty.

The routine of a partition suit brought by heirs in interest sheds from the precincts of the court an interesting light upon the status of a library always famous and once of inestimable value. This is the Mott Memorial, which has grown old in lower Madison avenue.

When Dr. VALENTINE MOTT died in In the study of the history of operative skill with steel and suture, and in chief to the enthusiasm with which he served as a teacher of his great art.

During the years of his greatest acivity our medical schools were sadly to seek in the literature of the profession. Many a practitioner boasted of a library which comprised as much as a treatise on anatomy, one on practice and a disment of the country doctor his city brother had scarcely greater advantages; history. he libraries of the medical schools were ittle more than lending collections of he necessary and elementary text books The student, the practitioner who dimly perceived that in medicine and in surgery here must be something better than the mere time honored rule of thumb, was without access to the volumes which ileged to learn that were published abroad. The sole reourse was the private library of Dr. Morr, a collection of all that was newt to whose treasures he gave glad veicome to his fellow practitioners. At his own charges he amassed as many as 4 one volumes

This country had nothing like this great collection; there was nothing to match it in private possession or in pubcoustody. In 1866 Mrs. MOTT founded the memorial which now ceases to exist. it was held a great benefaction and a worthy monument.

have taken their places as accepted and confuse the public mind. facts which no longer need demonstration. The curious historian may sometimes need to refer to those ancient acquired new meanings. alf bound volumes to determine a question of priority; otherwise their isefulness has gone. Room will be appears.

this episode; every science is progress- to drive off the prairies as a terror to the ing with such leaps and bounds that its stockman's lambs, a menace to the setliterature is out of date before the bind- tler's chickens and an inveigler of faithing of the volumes is frayed.

A French Anniversary.

An anniversary, happy yet not withwould have been \$30.24, or \$2.90 a ton out its element of bitterness, is soon to more than was actually charged. This be celebrated in France. Exactly fifty fact tends to disturb the argument of years have passed since NaPoleon III. those who assert that duty is always received from Italy the Province of added to domestic price and the bonus Savoy and the County of Nice as the thus acquired added to already bursting reward for French aid in the Austro-bank accounts. Sardinian war. With the acquisition of It is probable, for two reasons, that these territories the Second Empire, the duty on steel rails is a matter of no moreover, confidently took up the task importance one way or the other Rails of restoring to France the boundaries might be free or the duty might be 100 and the glories of the First, which was

Only in the minds of those who lived at their time were Solferino and Mainformation shows that the cost of mak- genta comparable with Wagram and ing steel rails in Europe is little or no Austerlitz, yet in that hour they seemed less than it is in this country, and the at least a vivid afterglow of the glories other is that the mills of Europe, after of the Grand Army. Even to the Frenchsupplying home demand and such ex- man of to-day, however, they must now port trade as they have, are not equipped seem only the transitory brightness that

To recall the acquisition of Savoy and effective barrier against "dumping," and Nice to-day can only serve to point with that is probably its best if not its only increased bitterness to the loss of Alsace use. At all events it is plain that the and Lorraine. Not even the rapidly duty on steel rails cannot be regarded growing prosperity and importance of as a bulwark from behind which a pred- Nice can avail to reconcile the loval atory industry reaches out and takes Frenchman to an alien Strasbourg and a money from the pockets of the Amer- foreign Metz. It is not merely that the anniversary marks the last advance of French possession in Europe; it also White Beveridge's Back Is Turned, serves to emphasize the utter extinction Now that the Grand Young Man of of all contemporary ambitions for Indiana, the Hon. ALBERT J. BEVER- France, above all the dream of acquiring IDGE, is engaged in a struggle which the "natural frontier," the left bank of

with reference to "child labor" in the the French, however, the present situation in Savoy and Nice must have. Fifty In answer to all the mournful fore- years ago 130,533 out of 130,539 Savoyards hodings of "uplifters" and the piercing and 25,933 out of 26,093 Niçoises who biatancies of politicians with a mission, voted at the plebiscite ratified the an-

republic has been asked by all the official and civic bodies of these terri-tories to join with them in celebrating farms and set to work in the factories the happy event which gave Savoy and

Looking across the German frontie at Alsace and Lorraine, still unreconof the sordid, pitiable homes to which ciled, still protesting in a thousand ways not to be misunderstood at the annexation now nearly forty years old, the so so for water and greasy food to eat, they French may find genuine pleasure in the contemplation of the loyalty of the n et taught the secret of a wholesome break- people of Savoy and Nice. After forty fast and dinner table, and generally in- years the German Empire still hesito duced to the beneficent virtues of tates to give local self-government to exercise and discipline. There is no the inhabitants of Alsace and Lorraine. longer any doubt that they are im- Forty years of separation have not senproving vastly under the process. The sibly diminished the loyalty of the people, who still send their sons into exile proved; and so, while Mr. BEVERIDGE'S forever, that they may serve in the back is turned, we make bold to mention French army, which anciently included the KELLERMANS, RAPP and Marshal NEY, and still counts a score of general officers who were born across the German frontier.

Savoy was French by race and language while it was still Italian. Alsace was German by race and language not yet trusted with the smallest measure was indubitably Italian fifty years ago \$1.450. is as French to-day as Nimes or Nancy, but Metz remains a Gallic fragment not vet submerged despite its ever growing German population.

In the curiously analogous fortune and strangely dissimilar sentiments of the citizens of Alsace and Savoy there \$1,000. is again presented the familiar question RETNOLDS: \$2.100.
No. 151 1.000.
RETNOLDS: \$2.100.
No. 164 "Landscape," DUPAR: \$1.500. The Savoyards were French in race while April, 1965, he was the foremost Ameri- but easily and without protest they can surgeon, revered at home and held transferred their loyalty from a monin high honor by the faculty abroad. archy to a country democratic in es sence even in the days of the Second repair of nature's errors it is no im- Empire. In Alsace, on the other hand, proper appreciation to credit the great a German people thoroughly imbued advances of American surgery to his with the spirit of democracy of the French Revolution fight obstinately against the influences of a Germany represented to them by Prussian autocracy

In celebrating what they gained fifty years ago we fancy the French will subsequently lost. But both for what it but his experience with the only represents and for what it suggests the skin he ever won, as he relates it, ought pensatory. When that was the equip-approaching observation promises to not to have the effect of closing a single be notable in contemporary European institution of learning in the country

New Meanings for Old Words. From that chronicler of the acts and

thoughts of Colonel THEODORE ROOSE-VELT whose literary style so amazingly follows the peculiarities of the Mighty Hunter's own, an anxious world is priv-

Mr. ROOMEVELT always felt that he was thor nighty competent to deal with the situation in with the characteristic boidness of his nature and at the same time accupulously in accordance with the proprieties, whether viewed from a atican or a Methodist standpoint. He rejected e Vatican's proposal because of his American sense of liberty, which did not permit him to say in advance what he would or would not do the day after his presentation to the Pope. Actuated his American sense of fair play he denounced the attempt of the Methodistorganization in Rome to make capital out of the incident."

It was then "characteristic boldness' In the court proceedings it was noted that led to the mutilation of Monsignor KENNEDY's second note: it was "serupufive persons in any year have visited lous accordance with the proprieties to office and hastily withdrew, thinking distribution of the office and hastily withdrew, thinking distribution of the office and hastily withdrew, thinking distribution of the office and hastily withdrew. The fact that it is still dangerous to the ume of those 4.000 has to-day the value correspondence without notification to because the stray visitor was confronted that was its in 1865. That year the the other party thereto, and it was the and struck dumb by the dreadful "B I," library died as completely as did its "American sense of liberty" or else the diploma. earnest collector. The brilliant dis- "American sense of fair play" that procoveries of that period have been dis-duced the hypothetical response to the carded for better newer methods or Kaiser designed to obscure the record Obviously, we are in need of a revised

set of definitions for phrases that have

The Farmer's New Friend.

The spirit of conservation that flits made for this library in the Academy of lightly from forests and watercourses Medicine and one more landmark dis- to beavers and bluebirds now hovers gently over the covote. This once most Surgery is by no means singular in despised of beasts that every one sought ful house dogs to a wild life, has earned a right to live and is to be protected.

Many counties of States where he is most numerous have found that they cannot get along without him and have rescinded the law offering bounties on his scalp. The explanation may be found in a report of the meeting of the commissioners of Reno county, Kansas, in the Hutchinson News:

"Commissioner M. F. Bath says the rabbits testroy five acres of wheat for him each winter. Five acres at thirty bushels an acre, 150 bushels of wheat at \$1.00 a bushel, makes \$154.50, which the rabbits owe to Mr. Bask for thinning out the wolves. Commissioner Jim Bunsays. The rabbits are destroying five acres of grain in each section of cultivated land in Reno county each year. Reno bas 1 300 square miles of territory. Count half of it as cultivated and you figure 3,000 acres f grain sacrificed to the capacious appetite of B OTTONTAIL and J. RABBIT. Counting the 3,000 acres haif wheat and haif corn, at this year's yield and valuation, and you have about \$53,000 worth of grain sacrificed in order that \$700 could he collected for the scaips of the coyotes."

This calculation of the outrageous waste of grain resource involves but one county. What might not be the loss to the whole State, to the entire West where rabbits are not thinned out by the coyotes? It was evident that something must be done, and quickly It was, for after the presentation of these figures, says the News, "it did not take twenty-seven minutes to put an

end to that old bounty order." Thus the coyote, instead of being a hunted enemy of mankind, is to become a coworker with the farmer. He is invited to make the farm his happy habitat, with nothing to do the livelong day but to chase cottontails and jackrabbits over the sunny prairies. Who shall in turn chase him after he has broken them of their habit of eating five acres of grain to every cultivated section of land is apparently a matter for future conservators.

In Mendelssohn Hall on Wednesday she Southern manufacturers have re- nexation. To-day the President of the evening, when Mr. THOMAS E. KIRBY'S

hammer noted the sale of a Turner for the unprecedented auction price of \$129,000. there must have been not a few assist-Chickering Hall thirty-four years ago is of course not a new weapon. over the bidding for a more famous Turner, the "Slave Ship." The scenes at the John of the spectators as sensational prices in were developed, were described in THE

SUN of December 21, 1876: Generous bidders were encouraged by the clapping of hands. Whenever a rivairy took place between bidders everybody became interested in the result, and the applicance and laughter that greeted each overtopping bid rang through the hall. Sometimes the opposing bidders sat in opposite parts of the hall, and their offers, which shot upward a hundred or a thousand dollars at a bound, were echoed from side to side by the excited round, were echoed from side to side by the excl audience. Sometimes the bids would fun up the a tet of steps, \$100 at a time, almost faster than the auctioneer could announce them. Again, there would be a long pause, often after a fine picture was shown, as though everybody was afraid to bid, and then suddenly some one would sing out \$1.000 and \$5.000 and get a round of applause from

Amid so much excitement the auctio Mr. ROBERT SOMERVILLIST ran Mr. JOHN ston's great Turner up to \$10,000. This was the highest of the prices of that notable sale, with the exception of those throughout the French regime, but which were paid for CHURCH's 'Niagara, Savoy is now perfectly fused in the 312.500, and for a Melesonier, 311,500. A few wonderful homogeneous structure of the other remarkable prices of 1876

No. 42-"Porest of Pontainebleau," DIAZ DI

No. 61—"Venice at Sunset," Entrance to Grand Canal: Zzma: \$1,510. No. 62—"Nell Gwyn," Sir Perma Let.T: \$575. No. 127—"A. Brittany Shepherdess." JULE

auron; \$2,000.
No. 145—"Autumn Morning." Landscape Cattle, Taoron: \$8.700.
No. 155—"Path Through the Woods." Conor:

No. 161-"Theophila Palmer." Sir Josepua

Moderate as were the totals and the averstill the subjects of an Italian sovereign, ages at the sale of John Taylor John- But in the siege of Sebastopol this weap STON'S collection, and immense as is the yet possible to pick out in that catalogue number of pictures, by artists then greatly in vogue, which would probably fetch a good deal less if put up now at the Yerkes sale.

A message from the American People

The career of the Hon. JOSEPH G. CAN Non, from the milking stool to the Speak-er's chair, proves that he has not needed most frequently think of what they have a college diploma to command success. Addressing a party of students in Wash ington, who had called to pay their re spects to a powerful personality, Mr. CANNON told this story:

"I attended a law school for siz months Indiana when I was a young man. Then they gave me a B. L. and a diploma. I left Indiana and went to lilinois. I would have kept right on to Chicago if I had been able to stand the cor roff. As it was I landed in the central par State with 50 cents in my pucket. I rente a little office and got credit for that and my board lients. Sixty days went by and not a pers ame through the door. Then I took that di rampled on it. After that I cut it to shreds with a tackknife. I have never had another diplor

Uncle Jox did quite right in mutilat ing that "B. L." diploma with his serviceable jackknife. As evidence of his fitness to practise law it was a gilded humbug. and he had better have spent on a "square meal" the 50 cents that he paid for framing the thing. A six months law course, and

The supply of foodstuffs in Germany has only been kept up to the maximum figures by intensive agriculture, the employment of modern machin ery, scientific fertilization, and the employment of millions of female farm hands. The German work except potatoes, milk and vegetables.

Only two American sales agents visited Switzer land in 1909, against four in 1908 and one in 1907 Germany sent 4.772. France 1.488, Italy 405, Australia tria Hungary 234, Beiglum 94, and Great Britain 61 In 1909 Great Britain imported 78,406,000 pounds of rubber and exported 44,567,000 pounds, a jarge increase over 1908 in both Brazil exported about \$8,000,000 pounds of rub

to the United States. It was the largest year's grenade is fired from the muzzle of the export of Brazilian rubber on record American patent rubber roofing is in large demand in western Canada. Fully 200 carloads were imported in 1909.

Homestead entries in Canada in January, 1910. were 2.608, or twice those of January, 1999. Im-migration from the United States is expected to exceed 100,000 this year.

Argentina's crops this year are worth \$540.565.

A80, at present prices, which are slightly below those of 1965-09. Corn leads with \$154.595,200, fol owed by wheat with \$127,500,000. Roller skating has become popular in the Alpine cities of Switzerland, the streets being used. The same is true of Mannheim, Germany. American

mates are popular pecial Agent John M. Turner of the Bureau of Manufactures witnessed the delivery at San Juan. Porto Rico, of a shipment of 2,500 cases of American canned salmon and noted that great loss courred from faulty packing.

Australian imports of cattle, prohibited by the

quarantine act of 1908, are now permitted. Mexico will continue the free admission of corn American exporters should procure revised lists our consulates from Washington, as man;

nanges have occurred in the last two years ome consulates have been abolished and other The present steam railroad mileage in Conti-

by Germany with 36.701, and France with 24.964 The general per cent. of increase in 1889 was 1.11. d with 3.6 in 1998 In 1909 350 miles of railway were opened for traffic in all Brazil.

hich read as follows:
"Thru!" 1909, you published that famous editorial artic H. D. BRIBBLEY.

TO THE EDITOR OF THE SUN-SIT! Do you no

think it is about time to admit that you did not understand your subject when upon March 5,

PARTHAMPTON, Mass. April 5. Franking Tarterin's Mail. To the hero all bow down Crying hail!

Let a grateful nation now Frank his mail. Tis the least that we can give

For his words are windom's pearls Ah, but stay? An honor 'tis In its mode. But on folks of lesser mark

Something freer than the free Is his meed: Can't we also pay him cash

HAND GRENADES IN WAR.

The hand grenade, which was used freely there must have been not a few assist-in the campaign in Machuria, on the ants who remembered the excitement in Russian as well as on the Japanese side. grenade was in use in the early part of the sixteenth century. We find a description Taylor Johnston sale, and the enthusiasm in a work by Baptista della Valle published Venice in 1524 of shells or grenades to be brown by hand. These were only a little over three inches in diameter and resembled in shape the shell or grenade

which gave them their name. Hand grenades were first used in Italy the defence of fortification works, and in the war in the Netherlands they played an important part in the assault on Wachtendonk in 1804. In the course of the sevencentury this weapon gained inually in importance in sieges

reighed about two pounds and consisted with one and a half pounds of powder and provided with a fuse. After igniting use by means of a match the grenade WAS swung around by the hand in order the fuse to burn well and was then thrown toward the enemy. It often happe shell burst prematurely and blew off the hand of the soldier hurling it, and son times he was himself struck by fragme of the shell when he failed to throw it far

Skill and valor were essential condition for throwing grenades, and only brave and skilful men were available for this duty Louis XIV. in 1867 directed that in each company four such men should be selected nce for all and trained in the work; they were called, from the original name of the weapon, grenadiers, were highly regarde and received better pay than cial companies, battalions, and finally regiments. Other armies imitated the French the grenadier regiments in conse trained became an élite corps. These regiments still retain the name of grens

original weapon has long been obe and with it the firing of shell, the more the Napoleonic wars it is hardly measioned ston's collection, and immense as is the came into playonce more, both on the French enhancement of auction values in many and on the Russian side. In lieu of cast cases since that not very remote time, it is iron shell, however, the besieged used mainly ordinary glass bottles filled with powder, the fuse stuck in the neck. In the civil war a small bomb similar to the hand grenade, with percussion fuse, was used

sometimes at close quarters.

Then the weapon appeared to pass into oblivion. In the great European wars of hand grenades were used. It was not until the siege of Port Arthur that this weapon again appeared. The Japanese took it up first. They began by using tin cans filled with ivnamite and provided with a fuse, but this was a very indifferent sort of we cases became of use to the enemy becau

the fuse burned so slowly that an opporthad time to throw it back before it explo Later, however, specially constructed hand grenades were used, and their terrific effect rapidly led to their extensive use. the Russians tried them, and finally were employed in great numbers not in the siege but also by field armies.

The hand grenade used by the Japanese was that of Marten Hale, an engineer of the Cotton Powder Company at Faversham consists of a brass tube about 6 inches long and 1% inches in diameter conof equal parts of powdered guncotton and barium nitrate. At the upper end is fastened a rope about eighteen inches long the percussion fuse, and around the lindrical brass tube a short distance from the fuse end is a double ring of steel or arought iron so grooved as to break up then the grenade explodes into twentyfour fragments equal in size. The grenade ing the fragments with great force in all directions. In the late war the effect was often reported as terrific. Eye witnesses report that at times ten men were killed by a single grenade, and that those struck

were terribly mangled in spite of its effective action when in Indiana before the war! We blush for explodes the uncertainty of the new hand ncle Joe when he confesses his share grenade is very great and a large per-The proper throw requires troops using it. great skill, but when successfully executed the grenade can be sent fifty or fiftyfive yards from the thrower. With less
experienced men, however, this distance
is rarely attained; indeed fragments often
fly back as far as the thrower, and it is reported that in the Manchurian campaign
fully one half of the grenade throwers were
the meetics wounded in this way.

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street. he grenade can be sent fifty or fiftythemseives wounded in this way.

Hale has also a grenade for blowing up bridges, &c , similar to the other but with a slow fuse in place of the percussion fuse. The disadvantages of throwing by hand have been overcome, it is said, by arranging a grenade that can be fired from the muzzle of the rifle. The throwing rope is replaced by a brass rod about eight inches which fits into the muzzle of the rifle fuse is also different to insure greater safety, but it is still a percussion fuse. rifle by means of the ordinary cartridge with the ball removed. Its initial velocity is of course very small, since the greni is fired not from the bore of the rifle, but only out of the muzzle end, and its traje tory is greatly curved. Its maximum range

is about 250 yards.
In ordinary field actions the hand grenade can have little application, but in the attack great value. Firing in a curved trajec-tory over the parapet it can reach the de-fenders behind their cover without endan-

gering its own troops.

Both the French and the Spanish have adopted this new weapon and used it in the war in Morocco. At the beginning of the war the French used what material they happened to have on hand two melinite cartridges were tied together and provided with a throwing rope Ignition was effected by means of a Bickford fuse, which was lighted just before throwing. The was cut as short as possible so as to prevent the enemy from throwing it back again. prevent this entirely a percussion fuse was improvised and inserted at one end of the ombined cartridges, while at the other a palm branch, with the leaves removed except at the extreme dd, was attached so as to make the grenade fly with the fuse and down as it struck the earth. These were all very crude arrangements; consequently the French Government introduced specially constructed hand grenade, which was first used only by the artillery supports but later also by the infantry and the field engineers. The present French hand grenade consist

f a cast iron shell a little over 3.5 inches in diameter, charged with a quarter of a pound black powder. The fuse is ignited in throwing the grenade by pulling back on the browing rope as the grenade starts in its trajectory; if then acts as a time fuse, caus ing explosion after about five seconds grenade can be thrown only about twenty yards, consequently it is used only when th thrower is protected by a parapet or other over in his front. For training the men it its use six unloaded grenades are assigned to each company of infantry and battery of artiflery, and the engineers are required

The Spaniards have adopted the Marter Hale hand grenade, and large quantities were furnished to the troops fighting at Melilla. Each grenadier carries four gre-nades in a peuch provided for the purposs Hale has recently perfected his great hat every one can be used for any one of three purposes: as a weapon thrown by hand fired from an infantry rife, or as a highly explosive cartridge. It is the mos perfect hand grenade now extant and has been adopted as a basis for further develINEQUITY OF THE LAW. py Fate of a Consein

That an executor who acts under a will not yet probated does so at his grave peril is the kernel of a recent decision of the Court of Appeals in this State in the case of Dodd against Anderson as administrator. Judge Werner, speaking for the united

make bad law." The case at bar aptly illustrates the temptation to overlook or ignore flard legal principles when they are opposed to persuasive equities. The plaintiff in the effort to carry out for probate the paper purporting to be a will, but waged an active, prelonged and expensive centest to establish its validity. All this he did not for himself but for others, and in doing it he made large expenditures which will have to be borne by him unless he can be reimbursed out of the estate. While such circumstances quite naturally appeal to the individual sense of justice, they cannot be permitted to influence judicial decision unless they are supported by legal prin-

pellate Division and Special Term and tains the demurrer to the complaint on he ground that it failed to set forth a cause of action. These facts are of interest The testator died in 1903, leaving a last will executed in conformity with all the

statutory requirements. The plaintiff, who

therein, offered the will for probate in the Surrogate's Court. Two of the decedent's immediately began a contest, which ground that the testator at the time of the execution of the instrument was the victim of certain insane delusions which incapaci-tated him from making a will. The plain-tiff in his effort to sustain the will spent over \$5,000 for counsel fees and disburse-ments. After the rejection of the paper the Surrogate appointed the defendant over \$5,000 for counsel fees and disbursements. After the rejection of the paper the Surrogate appointed the defendant administrator of the estate. Then the plaintiff presented his claim, which was disallowed: and upon this claim the suit at bar was brought. The administrator conceded that the plaintiff had no pecuniary interest under the will, acted in perfect good faith on the assumption that it was valid, and was expressly following the instructions of the testator to offer it for probate. The Court of Appeals further finds that the expenditures were reasonable, taking into account the size of the estate and the nature of the contest in the Surrogate's Court. The theory upon which the complaint was sustained in the lower and appellate courts is that a person who is named as executor in a paper purporting to be a will should not be compelled to decide in advance whether he will remounce the trust which has been reposed in him or accept it at the risk of being charged with the costs and expenses of a contest if the paper is judicially declared to be invalid as a will: that when he acts in good faith and with due diligence his fidelity to duty should not be rewarded with pecuniary loss, that the attempt to probate the will is for the benefit of the estate, being made either upon the express or implied direction of the testator and implying a correlative promise that the estate shall reimburse the executor. European armies, although their

promise that the theory, because that this theory, Judge Werner observes that this theory, Judge Werner observes that this theory, persuasive, it must fall before certain inexorable laws governing decedents' estates.
Among these laws are the principles that
there can be no executor where there is
no will that without a will no letters testamentary can issue; that until letters testamentary or of administration are issued
there can be no legal representative, and
that a person named as executor in a paper
purporting to be a will is under no legal
obligation to accept.

The court finds support for its contention
in a few decisions in other State courts,
including those of Ohio, Connectiout, South
Carolina, Mississippi, Pennsylvania and
fillinois: it makes a clear distinction between
those cases in which the will was never
proved and in cases where the probate
was reversed on appeal, granting certain

was reversed on appeal, granting ce rights in the latter class of cases to der executors. In conclusion Judge We makes the following suggestion:

The result to which we are brought by unsiderations is extremely unfortunate in case as this, where one in good faith accurate reposed in him by one who attempts to will; but the remedy, if one is desirable, e provided by the Legislature and not b

THE WORN OUT CONSTITUTION. Well Enough in its Day, But Now Inade-

TO THE EDITOR OF THE SUN - Sir. Tim Campbell said "What is the Constitu-tice to Thomas Vautrollier, a tion between friends?" the whole country, Blackfriars, to learn the art of myself included, laughed at this apparently

The fact is that the Constitution was made shother.

The Fine Arts in Kansas City

TO THE EDITOR OF THE SUN Sir. It has een written in history that within seven days Kansas City cinched a million dollar boat line, a thirty million dollar passenger station, and \$4,000,000 in bonds, these to include an art museum. Is some? 'Rah for Kansas City'

HOWARD E. HUSLEYON Secretary Fine Arts Institute. KANSAS CITY, April 6.

Notes of International Trade.

Nova Scotia is buying American lumber and merican automobiles freely. All but four or five American automobiles freely. All but four or five of the thirty or forty autos in Yarmouth county are of American make.

To-day the flarbor of Singapore, the eighth greatest port in the world, is crowded with vessels

from all countries except the United States. In 1908 29.234 vessels with a tonnage of 15,007,102 entered the port. Of this great number just one small craft of 662 tons flying the Stars and Stripes came in with bailast and was sold to the highes bidder. In the last four years only four Amer-ican vessels have been seen there, and one of those was a foreign built steamer flying the American Over \$13,000,000 worth of goods is shippe In Chile the outlook for American trade is brighter than at any time for many years. The Government is making many improvements, such as railways, wagon roads, harhor works, &c that are opening valuable mineral and agricul-tural lands. Machinery, fuel, tools and materials are entered free of duty to encourage the development of the country. As yet the United Stat supplies only 21-5 per cent, of the imports, against 31 per cent, for Great Britain and 28 per cent, for Germany. The total imports in 1908 amounted to \$98,000,000 in value of which \$48,000 or The increase in imports in ten years Was \$58,000,009.

The vast enterprise for the reclamation Mesopotamia will redeem and irrigate 12.300,000 acres. Since August last 3.500 to 4,000 laborers have been at work on the initial projects in north ern Mesopotamia. A full report for public reference is on file in the bureau of manufactures, Washington, D. C. High grade automobiles are in great demand

in western Canada, the trade being done largely through Winnipeg. Orders are reported for 925 machines, valued at about \$1,040,000, to be deliered before June. All through the entire West orders for automobiles are being given in far greater numbers than ever before. About \$2,000. on will be invested in machines this year. The Toyo Kisen Kaisha has representatives in

Mexico city arranging for an exhibit of Japanes products in that city next September

The Smallest Foot in Washington

TO THE EDITOR OF THE SUN-Ser. In the in terest of historical accuracy permit me to say that there is an error in THE SUN'S obituary notice of the late George H. Williams of Oregon. It was not the wife of Mr. Williams who was reported a that time to have the smallest foot in Washington, but the wife of another member of Grant's Cabi-net during his second term, Mrs. W. W. Beiknap, bushand, the Secretary of War, was inceed for selling post traderships in the Terri-OLD TIMES.

HARRISOURS, Pa., April 5. A Young Diplomat. Johnny-Going to Sunday school? Temmy-Nope: It might etir up han

AERONAUTICAL LAW. is for the General Weifare Prompt.

ed by Late Cutastrophes. TO THE EDITOR OF THE SUN-SIrecent frightful accident at Stettin many, to a balloon which after an ascensing n a hurricane was precipitated with its four assengers into the sea and numerous acci-ments to other serial voyagers warn us that so numerous as to be a constant menara both to their occupants and to the travelling public on the firm set earth below. hooves our law makers then to provide the the licensing of all serial machines and for the examination, physical and otherwise of persons who may contemplate a trip through the heavens.

Such laws should provide that persons using any device for navigating the air should before ascending encase themselves in a suitable elastic safety appliance to insure cumstances. For this purpose it would be well to require the use of a mammoth india rubber ball vestiture into which the aero naut could be placed, the receptacle pro tected on the inside by padding and holes for the head and possibly the feet so constructed that all parts of the bounds he instantly withdrawn in case of a dent. By this means the encased body of voyager might be expected to reach to firm a without injury, and after a few bounds the vestiture could be removed the person once more restored to

the person once more restored to equilibrium.

Provision also must be made by law for the safety and preservation of the pedeatrian who, notwithstanding his lack of desire to go above, may without warning he stricken down by a falling aeronaut when he least expects it. The law should require the roofs of all buildings to have additions placed thereon to ward off falling bodies and avert serious accident to householders sleeping in the top story. There should be always restricting the use of flying machines to persons expert in their use and limiting their voyages to certain hours in the day and to certain byways of the heavens. These suggested enactments are so necessary to the public welfare that they should be considered at once by our law makers New York, April 7. Epgan M Arsin

THE DISMISSED WOMAN. Perhaps She Would Be No Better Off to

Her Sisters Voted. TO THE EDITOR OF THE BUN-SIT. now and then some one bobs up in you columns to tell the sad story of a woman who has been ousted from a position by a man who has a vote These letters usually carry the refrain "If this woman had a vote" or "This woman thinks the vote would

lices it never occur to such mome ask themselves if it would add balm to their wounded souls if instead of yielding their place to a man with a vote they should have to yield it to another weman with a vote? Do they not realize that the hardest thing in the world for a voting man is to hold on to his job if it is at all political and that if women get the vote they run a great risk of being turned down by other women with more "influence" or another kind of a vote?

When I read these sad tales of daughters being turned out when their fathers die, and so on and so forth, I merely say to myself "How fortunate it was she had no vote and could remain in her father's shoes as long as she did!"

Somehow I almost long for woman sufwounded souls if instead of yielding

frage so as to see what women will de w their place is taken, not by a man, but a nasty, intriguing, no account woman seems almost worth while!

HOT SPRINGS, Va , April 8.

Shakespeare's French Lodgings. Henry R. Plomer in the Athenaum. Prof. Wallace's article on Shakespeare the current number of Harper's has

probably set a good many people wondering how Shakespeare, typical Englishman as he was, came to settle in London with a French family. Yet, so far from being an exraordinary incident to those who know his istory, it was the most natural thing for in to do. In all probability he took up his residence with the Mountjoys when he first came to London; but to go no further back than the evidence warrants, he had known them for thirteen years, that is since

1591 At that time Shakespeare numbered among his friends in London his fellow townsman Richard Field, the printer, who in 1579 had left Stratford-on-Avon and When coming to London had put himself apprentice to Thomas Vautroiller, a printer in Thomas Vautrollier and his wife, like Chris topher Mounting and his wife were Pren-But further consideration convinces us Huguenot refugees, and we may well believe that Tim builded better than he knew, that the members of the French colons and the only fault to find with the remark within the walls of the city at that time to were more or less acquainted with one Their common meeting place was the Dutch Church in Austin Friars, and were acquainted with the family in Silver

> one hundred end of the year 1586 or the beginning of E. H. J. 1587, and Richard Field, then newly made a freeman of the Stationers Company, taking his fortune in both hands, within a few months married a widow, and thus at one stroke became a naster printer and the possessor of a good business. Shakespeare and Field being old acquaintances, what is more natural than that Shakespeare should mention to Field his desire to find new lodgngs, and that Field in his turn should talk the matter over with his wife, and that she knowing that the Mountjoys had rooms to let, should have been the means of introducing Shakespeare to them? In the absence of actual proof of what

to how Shakespeare comes to be found living in the house of a French Huguenot refugee. The Calf Man of the West.

took place, I venture to offer this theory as

From the Atchison Globe.
The West is cursed with the calf man. As a rule he does not do much and sits around in the shade telling how he is oppressed. He says he is a bard worker and a good honest man, but combinations have been formed against him, principally by the plutocracy of New York and London, and as a result he does not prosper. The calf man does everything right in his own estimation. He is smart and competent and industrious, but the plutocracy has combined against him and he suffers.

Another complaint of the calf man is that corn Another complaint of the call man is that cold is only 70 cents a bushel. The calf man has no corn to sell, but he is big hearted and wants to help the farmers.

We do not remember a time when the calf man

was not indignant about something. Nothing suits him, and he does nothing himself but take The calf man is always in debt, but it is not

calf man is willing to pay his debts and spend money liberally and make times good if the pl tocracy and the British would only let him. But the plutocracy and the British will not let him alone, and he will continue to bawl until the end

Physicians' Maladies. From the London Globe.

A French newspaper publishes some statistics showing the causes of death in the medical pro-fession. The figures are impressive, but there is no indication as to the source of the information We read that 44 per cent. die of heart disease per cent. from nervous affections, 20 per ce from the morphia habit, and 7 per cent. from tube incurable, and morphia is sought to soothe

Woman Parliamentary Candidate

From la Temps. Mme. Marguerite Durand, who is standing as Parliamentary candidate for the Ninth Arrondissement of Paris at the forthcoming general election, addressed a meeting of electors at the Saile des Agriculteurs de France on Wednesday evening. Mme. Durand knows she cannot be elected, for the votes cast for her will be treated as spoiled papers, but she says she desires to make a "platonic manifestation."

Horned Spake to South Carolin From the Newberry Observor.

James M. Henderson billed a borned make at his home, near Bush River, on the Belfast road on Tuesday. It was about two featless and lying on a stump in the field. At the end of its tall was